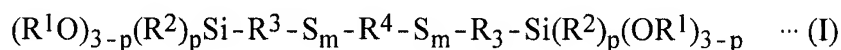


**AMENDMENTS TO THE CLAIMS**

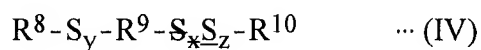
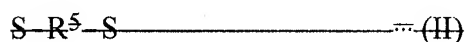
**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (currently amended): A rubber composition which comprises, per 100 parts by mass of a polymer, 10 to 200 parts by mass of silica and 1 to 30 parts by mass of a silane compound having sulfur atom represented by average structural formula (I):



wherein  $R^1$  and  $R^2$  each represent a hydrocarbon group having 1 to 4 carbon atoms,  $R^3$  represents a divalent hydrocarbon group having 1 to 15 carbon atoms,  $p$  represents an integer of 0 to 2,  $m$  represents a number of 1 to 2 ~~or greater and smaller than 4~~, which may be an average of numbers, and  $R^4$  represents a divalent functional group represented by one of following general formulae ~~(H)~~(III) to (IV):



wherein  $R^5$ - $R^6$  to  $R^{10}$  represents a linear or branched divalent hydrocarbon group having 1 to 20 carbon atoms, a divalent aromatic group or a divalent organic group having a hetero atom which is not sulfur atom or oxygen atom,  $R^5$ - $R^6$  to  $R^{10}$  may represent a same group or different groups, and  $x$ ,  $y$  and  $z$  each represent a number of ~~1~~2 or greater and smaller than 4, which may be an average of numbers.

2. (original): A rubber composition according to Claim 1, wherein **m** represents 1 in average structural formula (I) representing the silane compound having sulfur atom.

3. (original): A rubber composition according to Claim 1, wherein **x**, **y** and **z** each represent a number of 2 or greater and 3 or smaller, which may be an average of numbers, in general formulae (III) and (IV) representing the divalent functional group.

4. (original): A rubber composition according to Claim 1, wherein  $R^4$  represents a divalent functional group represented by general formula (IV) in average structural formula (I) representing the silane compound having sulfur atom.

5. (original): A rubber composition according to Claim 1, wherein, in average structural formula (I) representing the silane compound having sulfur atom,  $R^4$  represents a divalent functional group represented by general formula (IV) in which  $R^8$ ,  $R^9$  and  $R^{10}$  each represent hexylene group.

6. (original): A rubber composition according to Claim 1, wherein a purity of the silane compound having sulfur atom is 60% or greater at a time when the silane compound having sulfur atom is mixed to form the rubber composition.

7. (previously presented): A rubber composition according to Claim 1, wherein, at a time when the silane compound having sulfur atom is mixed to form the rubber composition, a

content of silane compounds having sulfur atom and three or more silicon atoms in one molecule is 30% by mass or smaller of the rubber composition.

8. (previously presented): A rubber composition according to Claim 1, wherein a BET surface area of the silica is 40 to 350 m<sup>2</sup>/g.

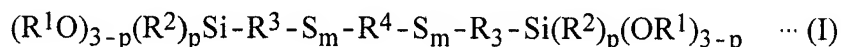
9. (previously presented): A rubber composition according to Claim 1, wherein the polymer is a diene-based rubber.

10. (previously presented): A tire which comprises a member comprising a rubber composition described in Claim 1.

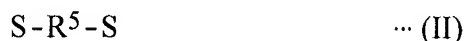
11. (original): A tire according to Claim 10, wherein the member is a tire tread.

12. (previously presented): A rubber composition according to Claim 2, wherein, at a time when the silane compound having sulfur atom is mixed to form the rubber composition, a content of silane compounds having sulfur atom and three or more silicon atoms in one molecule is 30% by mass or smaller of the rubber composition.

13. (new): A rubber composition which comprises, per 100 parts by mass of a polymer, 10 to 200 parts by mass of silica and 1 to 30 parts by mass of a silane compound having sulfur atom represented by average structural formula (I):



wherein  $R^1$  and  $R^2$  each represent a hydrocarbon group having 1 to 4 carbon atoms,  $R^3$  represents a divalent hydrocarbon group having 1 to 15 carbon atoms,  $p$  represents an integer of 0 to 2,  $m$  represents a number of 1 to 2, which may be an average of numbers, and  $R^4$  represents a divalent functional group represented by the following general formula (II):



wherein  $R^5$  represents a decylene group, phenylene group or methylphenylethylene group,  $R^5$  may represent a same group or different groups, and  $x$ ,  $y$  and  $z$  each represent a number of 1 or greater and smaller than 4, which may be an average of numbers.

14. (new): A rubber composition according to Claim 13, wherein  $m$  represents 1 in average structural formula (I) representing the silane compound having sulfur atom.

15. (new): A rubber composition according to Claim 13, wherein a purity of the silane compound having sulfur atom is 60% or greater at a time when the silane compound having sulfur atom is mixed to form the rubber composition.

16. (new): A rubber composition according to Claim 13, wherein, at a time when the silane compound having sulfur atom is mixed to form the rubber composition, a content of silane compounds having sulfur atom and three or more silicon atoms in one molecule is 30% by mass or smaller of the rubber composition.

17. (new): A rubber composition according to Claim 13, wherein a BET surface area of the silica is 40 to 350 m<sup>2</sup>/g.

18. (new): A rubber composition according to Claim 13, wherein the polymer is a diene-based rubber.

19. (new): A tire which comprises a member comprising a rubber composition described in Claim 13.

20. (new): A tire according to Claim 19, wherein the member is a tire tread.

21. (new): A rubber composition according to Claim 14, wherein, at a time when the silane compound having sulfur atom is mixed to form the rubber composition, a content of silane compounds having sulfur atom and three or more silicon atoms in one molecule is 30% by mass or smaller of the rubber composition.